IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.11882/1991

BETWEEN:

Sri C.Gurappa,
s/o Venktappa
r/o No.247, Town Kote,
Chickballapur dist,
Chickballapur,
Kolar dist.                              ...petitioner

            (By Sri V Lakshminarayana for petr)

AND:

1. The State of Karnataka
rep. by its Secretary,
Revenue Dept,
M.S.Building,
Vidhana veedhi,
Bangalore-01.

                                         .....2

166

2. The Dy.Commissioner,
Kolar dist,
Kolar.

3. The Asst. Commissioner
& Land Acquisition Officer,
Chickballapur sub-divn.,
Chickbllapur.

4. The Town Municipal Council
rep. by its Administrator,
Chickballapur,
Kolar dist.                                    ....Respondents.

(By Sri K Nagaraja HCGP for R1-3
   Sri J Subramanyam for R-4)

W.P filed u/a 226 & 227 of the constitution
of India with an affidavit praying to: Quash Ann.A & B
in respect of Sy.Nos.21/1-A and 21/1-B and etc.,

W.P coming on for Hearing this day, the
court made the following:

ORDER

Cu (Cause title only)

r.by; 20/7/98

c.by;

The petitioner has challenged the notifications issued under Sec.4(1) and 6(1) of the Land Acquisition Act, in these petitions.

2.     The Division Bench of this Court in WP.3539 to 3542 of 96 and other connected petitions, dated 15-6-1998, has held that the Karnataka Land Acquisition Act, 1961 was non-existent being impliedly repealed with the commencement of Central Act 1/1894 and further held that the Deputy Commissioner who issued the notification under sec.4(1) of the Act, subsequent to Central Act 1 of 1894 as amended by Act 68 of 1984 came into force is without authority of law.

3.     In the case on hand also, the preliminary notification is dated 13-1-87 ,that is, subsequent to the Central Amendment Act 68/1984 came into force. Following the said decision and for the reasons stated therein, this petition is allowed; the impugned notifications issued u/s.4(1) and 6(1) of the L.A. Act, are quashed insofar as the petitioner' lands are concerned. However, this order will not come in the way of the State Government to initiate fresh proceedings.

Sd/-
JUDGE